

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ARANDELL CORPORATION *et al.*,

Plaintiffs,

v.

CASE NO.: 3:07-cv-00076-wmc

XCEL ENERGY, INC. *et al.*,

Defendants.

NEWPAGE WISCONSIN SYSTEM INC.,

Plaintiff,

v.

CASE NO.: 3:09-cv-00240-wmc

CMS ENERGY RESOURCE MANAGEMENT
COMPANY *et al.*,

Defendants.

**ORDER AWARDING ATTORNEYS' FEES AND REIMBURSEMENT OF
EXPENSES, AND AUTHORIZING CLASS REPRESENTATIVE INCENTIVE AWARDS**

The Court, having considered the Wisconsin Plaintiffs' Unopposed Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Class Representative Incentive Awards in connection with the Wisconsin Plaintiffs' class settlement with the CMS Defendants and supporting papers (the "Motion"), and the complete record and files in the above-referenced matters; and good cause appearing, the Court finds as follows:

1. The motion requests (1) an award of attorneys' fees; (2) reimbursement of Plaintiffs' Counsel expenses from January 1, 2019 through January 31, 2020; and (3) incentive

awards to each of the Wisconsin Plaintiffs appointed as class representatives for settlement purposes (“Wisconsin Plaintiffs”).

2. The Court finds that the fees requested are fair, reasonable and proper, and that the costs and expenses incurred by Wisconsin Plaintiffs’ Counsel¹ were necessary, reasonable and proper. The attorneys’ fees requested were entirely contingent upon success. Wisconsin Plaintiffs’ Counsel risked great time and effort and advanced substantial costs and expenses with no ultimate guarantee of compensation.

3. The Class Notice, sent to 1,250 prospective Wisconsin Class Members, and the Publication Notice, informed potential Wisconsin Class Members that Wisconsin Plaintiffs’ Counsel would be seeking fees in the amount of 35% of the CMS settlement proceeds (net of costs and expenses), reimbursement of their costs and expenses, and class representative incentive awards for the Wisconsin Plaintiffs. No objections were received.

4. The Court further finds that distributing class representative incentive awards as detailed below to each of the Wisconsin Plaintiffs is fair, reasonable, and proper.

THEREFORE, IT IS HEREBY ORDERED:

- A. Wisconsin Plaintiffs’ Counsel are awarded attorneys’ fees in the amount of \$5,206,554.85.
- B. Wisconsin Plaintiffs’ Counsel shall be reimbursed for expenses in the amount of \$124,129.00.
- C. The attorneys’ fees awarded and the amount in reimbursement of litigation costs and expenses shall be paid from the CMS settlement proceeds.
- D. Wisconsin Plaintiffs’ Counsel are authorized to and shall pay, or direct payment

¹ Wisconsin Counsel refers to Kohner, Mann & Kailas, S.C., Perkins Coie, LLP, and Polsinelli PC.

of, to the following seven Wisconsin Plaintiffs the following sums:

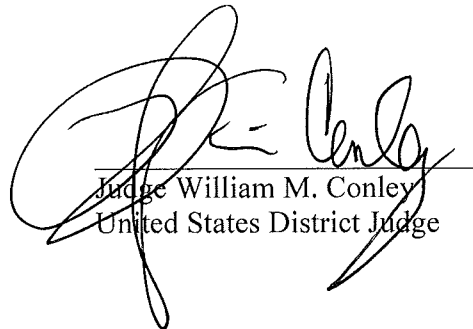
- 1) Arandell Corporation, \$75,000;
- 2) Briggs & Stratton Corporation, \$75,000;
- 3) Carthage College, \$75,000;
- 4) Ladish Co., Inc. (n/k/a ATI Ladish LLC), \$75,000;
- 5) Merrick's, Inc., \$75,000;
- 6) NewPage Wisconsin System Inc. (n/k/a Verso Minnesota Wisconsin LLC), \$75,000; and
- 7) Sargento Foods, Inc., \$ 75,000.

These class representative incentive awards shall be drawn from the CMS settlement proceeds after reimbursement of expenses and payment of attorney fees, as detailed above.

E. The Court retains jurisdiction over the matters that are the subject of this Order until full disbursement of the CMS settlement proceeds, and as necessary to effectuate the terms of this Order.

F. This Order shall be entered pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, as the Court finds that there is no just reason for delay.

Dated this 6th day of August 2020



Judge William M. Conley
United States District Judge